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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/960,301

09/24/2001

Ichiyu Shiga

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09/08/2006

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/960,301 | <b>Applicant(s)</b><br>SHIGA, ICHIYOU |  |
|                              | <b>Examiner</b><br>Justin E. Shepard | <b>Art Unit</b><br>2623               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/24/06 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 7/24/06 have been fully considered but they are not persuasive.

Page 14, second paragraph:

The applicant argues that BBC and CCS are not independent of each other. The applicant cites a section of Malaure to show the connected nature of these components. There is nothing in the cited passage that proves that the components are not separate. The applicant may be making the case that the multiplexer (figure 1, part 4), of which both of these components are connected, shows that they are not separate but this is not the case. The rejection stands.

Page 14, last two paragraphs:

The applicant argues that Malaure does not disclose extracting information specifying interactive service having a relation to the interactive server. The applicant admits that the extracting is being performed in the broadcast receiver in Malaure. The examiner is reading the claims such that the extracting is occurring in the broadcast receiver. The examiner suggests cleaning up the claim language to better clarify where the actions are taking place. The rejection stands.

The other arguments are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 11, 12, 24, 21, 22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds.

Referring to claim 1, Reynolds discloses a method, executed by a broadcasting server, for controlling interlock of an interactive service with data broadcasting, said method comprising

acquiring information specifying an interactive service associated with data broadcasting (figure 1; column 5, lines 38-41) and information specifying a service time of said interactive service (column 8, lines 30-35; Note: the times that local programs are to be broadcast are interpreted as being equivalent to service times);

transmitting said information specifying said interactive service and said information specifying said service time (column 8, lines 30-35), which are acquired in said acquiring, to an interactive server (column 5, lines 38-41), which is independent from said broadcasting server (figure 1), and which executes an application that provides said interactive service to a broadcasting receiver (column 7, lines 50-55).

Claims 11 and 21 are rejected on the same grounds as claim 1.

Referring to claim 2, Reynolds discloses a method as set forth in claim 1, wherein said acquiring includes extracting said information specifying said interactive service and said information specifying said service time from interactive service organization information (column 8, lines 54-62).

Claims 12 and 22 are rejected on the same grounds as claim 2.

Referring to claim 4, Reynolds discloses a method as set forth in claim 1, wherein in said transmitting, said information specifying said interactive service and said information specifying said service time, together with content information of said data broadcasting, are distributed to said interactive server (column 8, lines 30-35; figure 3a,

part; Note: the program information located in the program guide is interpreted as being equivalent to content information).

Claims 14 and 24 are rejected on the same grounds as claim 4.

Claims 7-10, 17-20, and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Malaure.

Referring to claim 7, Malaure discloses a method for controlling interlock of an interactive service with data broadcasting in an interactive server that provides said interactive service associated with said data broadcasting (column 1, lines 40-42) to a broadcasting receiver, said method comprising: receiving a set of information for specifying an interactive service and information for specifying a service time of said interactive service from a broadcasting server in one or a plurality of broadcasting stations (column 1, lines 43-45), wherein said broadcasting server is managed independently from said interactive server (figure 1, parts 8 and 2); extracting a set of information for specifying interactive service having a relation to said computer for carrying out said interactive service and information for specifying service time of that interactive service by using the received information for specifying said interactive service (column 5, lines 1-8); and controlling activation and deactivation of each said interactive service based on said extracted set of said information for specifying said interactive service and said information for specifying said service time of that interactive service (column 4, lines 59-67; column 5, lines 30-34)).

Claims 17 and 27 are rejected on the same grounds as claim 7.

Referring to claim 8, Malaure discloses a method as set forth in claim 7, wherein in said step of controlling said activation and deactivation (column 2, lines 6-9), if it is judged that a service start time has arrived based on said information for specifying said service time, a flag of the corresponding interactive service is set ON (column 1, lines 50-53), if it is judged that a service termination time has arrived based on said information for specifying said service time, a flag of the corresponding interactive service is set OFF, and an interactive service is activated or deactivated based on said flag of said interactive service (column 5, lines 30-34).

Claims 18 and 28 are rejected on the same grounds as claim 8.

Referring to claim 9, Malaure discloses a method as set forth in claim 7, further comprising the steps of: acquiring information indicating an operating state of said interactive service; and transmitting said information indicating said operating state of said interactive service to a computer associated with said data broadcasting (column 2, lines 6-9).

Claims 19 and 29 are rejected on the same grounds as claim 9.

Referring to claim 10, Malaure discloses a method as set forth in claim 9, wherein said acquiring step includes a step of specifying that the interactive service is active in a case where a response indicating that the interactive service is active is received from the interactive service (column 5, lines 1-8; Note: downloading the required application is interpreted as being equivalent to specifying that the interactive service is active).

Claims 20 and 30 are rejected on the same grounds as claim 10.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 6, 13, 15, 16, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Grooters.

Referring to claim 3, Reynolds does not disclose a method as set forth in claim 2, wherein said acquiring further includes extracting second information specifying said interactive service from content information of said data broadcasting and comparing the second extracted information with said information specifying said interactive service extracted from said interactive service organization information.

Grooters discloses a method as set forth in claim 2, wherein said acquiring further includes extracting second information specifying said interactive service from content information of said data broadcasting and comparing the second extracted information with said information specifying said interactive service extracted from said interactive service organization information (column 6, lines 13-16 and 19-29).

At the time to of the invention it would have been obvious for one of ordinary skill in the art to add the live media insertion taught by Grooters to the method disclosed by Reynolds. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies, into the television broadcast.



Claims 13 and 23 are rejected on the same grounds as claim 3.

Referring to claim 5, Reynolds does not disclose a method as set forth in claim 1, further comprising generating information as to whether each interactive service must be activated at present based on said information specifying said service time of each said interactive service, and wherein in said transmitting, said information as to whether each said interactive service must be activated at present is further transmitted.

Grooters discloses a method as set forth in claim 1, further comprising generating information as to whether each interactive service must be activated at present based on said information specifying said service time of each said interactive service, and wherein in said transmitting, said information as to whether each said interactive service must be activated at present is further transmitted (figure 3, boxes 320 and 324; column 6, lines 13-16 and 19-29).

At the time to of the invention it would have been obvious for one of ordinary skill in the art to add the live media insertion taught by Grooters to the method disclosed by Reynolds. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies, into the television broadcast.

Claims 15 and 25 are rejected on the same grounds as claim 5.

Referring to claim 6, Reynolds does not disclose a method as set forth in claim 1, further comprising, if information indicating an operating state of said interactive service

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is received from said interactive server, deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting.

Grooters discloses a method as set forth in claim 1, further comprising, if information indicating an operating state of said interactive service is received from said interactive server, deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting (figure 3, boxes 320 and 324; column 6, lines 13-16 and 19-29).

At the time to of the invention it would have been obvious for one of ordinary skill in the art to add the live media insertion taught by Grooters to the method disclosed by Reynolds. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies, into the television broadcast.

Claims 16 and 26 are rejected on the same grounds as claim 6.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

  
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PRIMARY EXAMINER